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Meeting Minutes  
Policy and Advocacy Committee  
January 20, 2006

Junipero Serra State Building  
320 W. Fourth Street, Pacific Ocean Conference Room  
Los Angeles, CA 90013

## I. Introductions

Meeting called to order at 1:30 p.m., and a quorum was established.

### Committee Members Present:

Robert Gerst  
Ian Russ  
Karen Pines  
Peter Manoleas

### Staff Present:

Paul Riches, Executive Officer  
Mona Maggio, Assistant Executive Officer

## II. Strategic Plan Goal #4 – Report on Progress

A. Objective 4.1 -- Participate in 15 public policy forums throughout the State addressing access to mental health services by June 30, 2010.

The committee reviewed the objective and inquired regarding the distinctions between events under this objective and other events under Goal #2. Staff responded that events for this objective will be focused on policy making rather than building public and professional awareness of the Board. An example of possible subject matter includes Proposition 63 related meetings.

Dr. Russ requested that staff send a list of examples of events we have identified or might consider attending.

B. Objective 4.2 -- Develop 4 proposals related to behavioral science licensing law that address delivery of services to consumers in light of demographic changes in both the general and licensee populations by December 31, 2007.

Staff reported on a board sponsored conference on the connection of diversity and professional licensing issues. The conference is tentatively scheduled for April 28, 2006 in Sacramento. Staff has commitments from two presenters [Joe Hayes, a demographer with the Public Policy Institute of California, Rachel Guerrero of the Department of Mental Health] and is seeking an academic to address the research supporting a connection between cultural competence and

quality of care. Mr. Manoleas and staff are developing an initial list of invitees and welcome suggestions from board members or the public. Mr. Janlee Wong (representing NASW) informed the Committee of a possible conflict on the target date because of a planned meeting of CALSWEC.

The conference will be a combination of presentations and breakout sessions designed to develop the board's perspective on cultural competence and professional practice.

The board will notify other mental health agencies, consumer boards, and the BBS interested parties list.

C. Objective 4.3 -- Advocate for 5 laws that expand access to mental health services by June 30, 2010.

### **III. Review and Possible Action Regarding Loan Repayment/Scholarship Program Implementation**

Staff indicated that the board has received no response to inquiries regarding the status of the program. Mary Riemersma (representing CAMFT) stated she served on a committee that developed draft regulations for the loan repayment and is unaware of any other activity to date. The program has not been placed on any future agenda for future meetings of the foundation. Mr. Gerst suggested the EO draft a letter on behalf of the Board as to the status of the regulations.

*Motion: Recommend that the board direct staff to draft a letter to the appropriate authority requesting implementation of the program at the earliest possible date.*

*Motion Passed: 4-0.*

### **IV. Informational Hearing on Proposed Changes to Title 16, Section 1803 Regarding the Delegation of Authority to the Executive Officer**

Staff indicated that the Board directed staff to move forward with the proposed regulation at its November 2005 meeting. However, staff brought the proposal back for additional comment because a number of parties were unable to participate in that portion of the November meeting.

Dr. Russ stated that there is conflict with a member of the Board giving the authority for a psychiatric evaluation because the board is a quasi-judicial entity. Mary Riemersma (CAMFT) questioned whether the board has the authority to take this action and give broad authority to the executive officer. Mr. Riches reported he discussed this issue with legal counsel who recommends the proposal because a psychiatric evaluation is part of the investigative process. Accordingly, a Board member who signs the petition to compel a psychiatric evaluation would have to recuse himself/herself from the deliberation/decision were the subject to be disciplined.

Staff discussed the circumstances in which the Board typically seeks to compel a psychiatric evaluation. The EO discussed the confidentiality of the investigative process and indicated that individuals who are subject to a psychiatric evaluation that reveals substantial impairment usually surrender their license.

The committee indicated continuing support for the proposed change in regulation.

#### **V. Informational Hearing on Proposed Changes to Title 16, Section 1886 Regarding the Issuance of Citations to Continuing Education Providers**

Mr. Gerst provided a brief overview of this issue. The EO stated that at the November 2005 Board meeting, the Board moved for this proposal to move forward; however, it was discussed late in the day and some interested parties did not have the opportunity to provide comment.

Ms. Pines shared her experience with a self-study continuing education (CE) course and is appalled that a provider can give a day's worth of CE credit based on "skimpy" material. She supports allowing the issuance of citations against CE providers. Mr. Gerst clarified that currently the Board can only revoke a provider's license. Peter asked if it would be appropriate/legal for a peer review of coursework developed and used by providers. Staff indicated that the Consumer Protection Committee is working on developing a quality standard for CE. Violations involving CE provider compliance with administrative issues (advertising, accounting procedures, recordkeeping, etc.) would not likely be appropriate for a revocation proceeding and would be best addressed by an intermediate sanction such as a citation and fine.

Ms. Riemersma questioned what the Board would do about an entity that is not required to become a provider, such as a school, how would we take enforcement action if the school is in violation?

Ms. Riemersma suggested that mere contact from the Board, such as a letter saying it has come to our attention that you are not keeping accurate records, would be sufficient to bring the entity into compliance.

Mr. Janlee Wong indicated support for the proposed regulation.

The Committee engaged in a discussion of self study CE and the appropriateness of evaluating course content. This discussion raised the issue of how to determine appropriate credit hours for self-study courses.

Ms. Riemersma questioned whether the Board has the authority to issue a citation to a CE provider. CE providers are not "licensed" in the traditional sense. Staff indicated that counsel has determined that the Board's approval of a provider is a "license" within the meaning in the Business and Professions Code.

Mr. Manoleas suggested that for quality improvement, the Board should set criteria for what constitutes a violation under which a citation would be appropriate and criteria for revocation of a license.

Mr. Gerst recommended that the Board solicit issues relating to CE's from licensees.

The Committee indicated its support for proceeding with the proposed regulation.

#### **VI. Informational Hearing on Proposed Changes to Title 16, Sections 1833.1 and 1870 Regarding Supervisor Qualifications**

In February 2003, the Board approved going forward with these regulations. The Governor put a hold on regulations in 2004. Staff identified this matter had not gone forward, and the matter is now back before the Committee for discussion.

The committee discussed the proposed language from 2003 and the revisions to the proposed language prepared in 2006.

The committee discussed that there are good supervisors who have two or three supervisor who do not provide 5 hours of supervision and would not meet the criteria. Mary shared the same concern about educators who provide supervision but do not have time to have a practice. Audience members prefer the 2003 version vs the 2006 version.

Mr. Manoleas requested no action be taken until such time as the Committee has received the results of the supervision survey and had an opportunity to review the results and analysis of its findings. The committee supports going forward with the 2003 version of the proposed regulations, and eliminate 5 hour requirement. This matter will be revisited at the next Committee meeting.

## **VII. Review and Possible Action on Pending Legislation**

Staff provided an update on Assembly Bill 894 (LaSuer). This legislation would license professional counselors in California. The bill was held on the Suspense File by the Assembly Appropriations Committee on February 18, 2006.

Ms. Krista Scholton stated there is a grassroots movement to seek licensure for macro social workers. Staff referred her to the Consumer Protection Committee which is evaluating broader social work licensure.

## **VIII. Review and Possible Action to Sponsor Legislation to Allow Demographic Survey of Board Licensees**

Mr. Gerst summarized the legal opinion provided by Board counsel which indicates that the board may request licensees to provide demographic information and asked the Committee if it supported a survey of Board licensees to obtain such information.

Mr. Wong thanked Mr. Manoleas and staff for supporting this and moving forward with the survey. The social work community has desired this information for a number of years.

Mr. Manoleas asked if we could obtain information from applicants on a voluntary basis, similar to how the state asks this information on employment applications. Staff indicated that the Board could not include such an item on a license application without additional statutory authority.

*Motion: Recommend that the Board direct staff to conduct a demographic survey of the Board's licensees and that the information gathered will be strictly voluntary and not individually identifiable.*

*Motion Passed: 4-0*

## **IX. Discuss Proposal to Reorganize the Statutes Governing Marriage and Family Therapy**

Staff indicated that the proposal has been submitted for inclusion in the Senate Business and Professions Committee's annual committee bill. As part of the submission, the Board has requested that Legislative Counsel conduct a search of the Codes to provide those sections that need to be amended to conform with the reorganization.

## **X. Dates for Future Committee Meetings**

The Committee established the following dates for future meetings:

April 19, 2006  
June 28, 2006  
September 27, 2006  
January 3, 2007

Meeting Adjourned at 3:35 p.m.